

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JAMES RAY SMITH,**

**Petitioner,**

**v.**

**STATE OF TENNESSEE BOARD OF  
PROBATION AND PAROLE and  
JIM LEACH, Officer,**

**Respondents.**

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**Case No. 3:11-cv-739**

**Judge Sharp**

**ORDER**

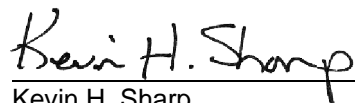
Before the Court is petitioner James Ray Smith's petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1). Smith was convicted in 2004 on one count of rape, one count of sexual battery and one count of attempted false imprisonment. He has served out his eight-year prison term but remains "in custody" for purposes of this Court's jurisdiction over his petition, because he remains on lifetime community supervision pursuant to Tenn. Code Ann. § 39-13-524(a)(1).

Having considered each claim raised in the petition, the Court finds, for the reasons set forth in the accompanying Memorandum Opinion, that Smith is not entitled to habeas relief on the basis of any of the grounds presented. The petition is therefore **DENIED** and this matter **DISMISSED**.

Further, for the reasons stated in the accompanying Memorandum Opinion, the Court **DENIES** a certificate of appealability. The petitioner therefore may not appeal this Order unless he obtains a certificate of appealability from the Sixth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

It is so **ORDERED**.

Entry of this order shall constitute the judgment in this matter.

  
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Kevin H. Sharp  
United States District Judge